

**STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION**

In Re: William Frederick Caleb Earp

Case No.: FEC 18-110

TO: William Frederick Caleb Earp
13451 Red Maple Circle
North Fort Myers, FL 33903

Division of Elections
500 S Bronough Street, Room 316
Tallahassee, FL 32399

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, **August 14, 2018 at 9:00 am, or as soon thereafter as the parties can be heard**, at the following location: **First District Court of Appeal, 2000 Drayton Drive, Tallahassee, Florida 32399**. Due to heightened security access requirements, please bring only essential items into the building and plan to arrive early to allow for delays coming through security.

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have *5 minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman
Executive Director
Florida Elections Commission
July 30, 2018

Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However, the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, *he must provide the Commission with written proof of his financial resources* at the hearing. A financial affidavit form is available from the Commission Clerk.

FLORIDA ELECTIONS COMMISSION
CASE REPORT
Case Number: FEC-18-110

NAME: **WILLIAM FREDERICK CALEB EARP**

DATE APPEAL RECEIVED: 04/25/18

DATE REPORT DUE: 03/12/18 (2018 M2)

DATE OF ELECTRONIC RECEIPT: 03/13/18

NUMBER OF DAYS LATE: 1

AMOUNT OF FINE: **\$39.56**

FINE BASED ON: (..) NUMBER OF DAYS (X) 25% OF RECEIPTS (..) 25% OF EXPENDITURES

TOTAL RECEIPTS FOR REPORTING PERIOD: \$158.25

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$0

DATE OF FIRST NOTIFICATION: 03/13/18

CANDIDATE [X]	STATE [X]
PC []	DISTRICT []
CCE []	COUNTY []
POLITICAL PARTY []	CITY []

SUMMARY: William Frederick Caleb Earp was a candidate for State Representative, District 79 in the 2018 elections. Mario Alvarado was his treasurer.

William Earp is appealing the fine claiming that his campaign suffered from a tremendous lack of experience in campaign finance and because of this they were never fully able to manage the EFS system. According to Mr. Earp, his campaign is effectively finished and no longer in active status. He requests that the commission forgive the fine.

- The 2018 M2 Original Report covers the period from 02/01/18-02/28/18; it was due on 03/12/18.
- The 2018 M2 Queued Transaction Report shows that it was created on 02/21/18 and filed on 03/13/18.
- William Frederick Caleb Earp reported receiving 2 contributions, while making 0 expenditures.
- The Division of Elections does not have any notes that pertain to William Frederick Caleb Earp's 2018 M2 report.

PRIOR CASES: None.

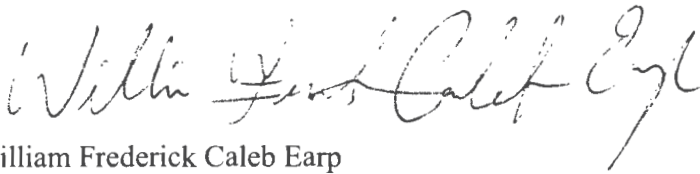
Office of William F. C. Earp
Candidate, FL House of Representatives

04/16/2018

To whom it may concern,

This letter is to appeal the late fine of \$39.56 to the Florida Elections Commission. My campaign suffered from a tremendous lack of experience in campaign finance and because of this we were never fully able to successfully manage the EFS system. As a candidate I am regretful that we are in this position due to our lack of knowledge and experience. Please allow this fine to be forgiven as this campaign is effectively finished and no longer in an active status.

Very Respectfully,

A handwritten signature in cursive script that reads "William Frederick Caleb Earp". The signature is written in black ink and is positioned above the printed name.

William Frederick Caleb Earp

REC'D: FL ELECTIONS COM
25 APR 18 PM 3:55

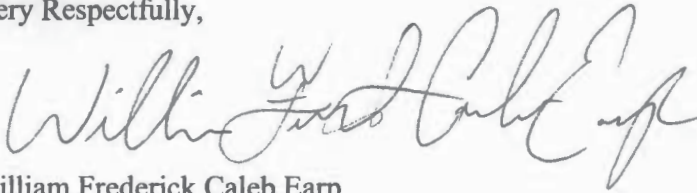
Office of William F. C. Earp
Candidate, FL House of Representatives

04/16/2018

To whom it may concern,

Effective today, April 16th, I hereby resign from candidacy for Florida House of Representatives, District 79. I am requesting that my name be removed from the active candidate list and my name be withdrawn from the candidacy for this position.

Very Respectfully,

A handwritten signature in cursive script that reads "William Frederick Caleb Earp". The signature is written in dark ink and is positioned above the printed name.

William Frederick Caleb Earp

REC'D: FL ELECTIONS COM
25 APR '18 PM 3:55



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

March 19, 2018

William Frederick Caleb Earp
Candidate for State Representative, District 79
13451 Red Maple Circle
North Fort Myers, FL 33903-3903

CAN 70244

Dear Mr. Earp:

The campaign treasurer's report that was due on March 12, 2018, was filed on March 13, 2018. By law, you are automatically assessed a late fine of \$39.56.

You have 20 days from the receipt of this notice to either:

1. Pay the fine to the Florida Division of Elections (For a candidate only, a fine is not an allowable campaign expenditure and must be paid from personal funds) at:

*Florida Division of Elections
R.A. Gray Building, Room. 316
500 South Bronough Street
Tallahassee, Florida 32399-025011*

2. Appeal the fine to the Florida Elections Commission (See Rules 2B-1.005 and 2B-1.0055, Florida Administrative Code) at:

*Florida Elections Commission
107 West Gaines Street, Ste. 224
Tallahassee, Florida 32399-0150*

If you appeal, please send a copy also to the Florida Division of Elections so that you will not receive further notices from the Division about this matter.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records



FLORIDA DEPARTMENT OF STATE

Ken Detzner
Secretary of State

DIVISION OF ELECTIONS

March 13, 2018

William Frederick Caleb Earp
Candidate for State Representative, District 79
13451 Red Maple Circle
North Fort Myers, FL 33903-3903

CAN 70244

Dear Mr. Earp:

Our records indicate that you have not filed either your campaign treasurer's report or notification that no reportable activity occurred, whichever is applicable. The filing date was March 12, 2018.

The law (s. 106.07(8)(b), Fla. Stat.) requires the filing officer to immediately notify you about the missed filing date and the automatic fines that will be assessed for late filing of a report, if a report was due.

- If reportable activity occurred and you have not filed a report, statutory fines are automatically assessed as follows until you file your report:
 - \$50 per day for the first 3 days late
 - \$500 per day for each day after the 3rd day late
 - If the required report immediately precedes a primary and general election, the automatic fine is \$500 for each late day.

The total fine for the untimely report cannot exceed 25% of the total receipts or expenditures, whichever is greater, for the cover period. Even if you end up filing your report late, we cannot waive the statutory fines. We will notify you of the specific amount of fines owed once you file your report. You have 20 days from the day you receive the notice to pay the fine or to appeal the fine to the Florida Elections Commission.

- If no reportable activity occurred for the report date(s), you are still required to notify us in writing, via the Division's Electronic Filing System, that no reportable activity occurred. No automatic fines are statutorily assessed.

However, in all cases, failure to file and/or untimely filing of a report of reportable activity, or if applicable, a notice that no reportable activity occurred, may constitute an apparent violation of chapter 106, Fla. Stat. If we refer such matter to the Florida Elections Commission, the Commission may subsequently impose a civil penalty for each violation under chapter 106.265(1), Fla. Stat.

If you have any questions, please contact the help desk at (850) 245-6280.

Sincerely,

Kristi Reid Willis, Chief
Bureau of Election Records

cc: Mario Alvarado, Treasurer

**FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS
CAMPAIGN TREASURER'S REPORT SUMMARY**

(1) William Frederick Caleb Earp (2) 70244
 Candidate, Committe or Party Name I.D. Number

(3) 13451 Red Maple Circle North Fort Myers FL 33903
 Address (number and street) City State Zip Code

Check box if address has changed since last report

(4) Check appropriate box(es):

Candidate (office sought): Check If PC has DISBANDED

Political Committee Check If CCE has DISBANDED

Committee of Continuous Existance

Party Executive Committee

(5) REPORT IDENTIFIERS

Cover Period: From 02/01/2018 To 02/28/2018 Report Type: M2

Original Amendment Special Election Report

(6) CONTRIBUTIONS THIS REPORT

Cash & Checks	\$158.25
Loans	\$0.00
<i>Total Monetary</i>	\$158.25
In-Kind	\$0.00

(7) EXPENDITURES THIS REPORT

Monetary Expenditures	\$0.00
Transfers to Office Account	\$0.00
<i>Total Monetary</i>	\$0.00

(8) Other Distributions

Certification

It is a first degree misdemeanor for any person to falsify a public record (ss.839.13, F.S.)

I certify that I have examined this report and it is true, correct and complete

Name of Treasurer Deputy Treasurer

X
Signature

I certify that I have examined this report and it is true, correct and complete

Name of Candidate Chairman (PC/PTY Only)

X
Signature

Name: William Frederick Caleb Earp

Report: 2018 M2

Period: 02/01/2018 to 02/28/2018

** Records in Filed Report **

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Contributor Type	Occupation In-Kind Description	Amount Amend
* 1 02/14/2018	EARP WILLIAM 13451 RED MAPLE CIRCLE NORTH FORT MYERS, FL 33903	S CAS		\$110.00 UPD
* 1	EARP WILLIAM NORTH FORT MYERS, FL 33903	S CAS		\$110.00 History 04/16/18
2 02/14/2018	TURNER, KEN 780 5TH SVE S STE 200 NAPLES, FL 34102	I CAS	PRIVATE ATTORNEY	\$48.25 UPD
* 2	TURNER, KEN FORT MYERS, FL 33993	I CAS	PRIVATE ATTORNEY	\$48.25 History 04/16/18

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

Name: William Frederick Caleb Earp

Report: 2018 M2

Period: 02/01/2018 to 02/28/2018

**** Records in Filed Report ****

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Purpose	Amount
				Amend

ID: **CAMPAIGN TREASURER'S REPORT – ITEMIZED FUND TRANSFERS**

Name: William Frederick Caleb Earp Report: 2018 M2 Period: 02/01/2018 to 02/28/2018

**** Records in Filed Report ****

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Type	Nature of Account	Amount Amend

ID:

CAMPAIGN TREASURER'S REPORT – ITEMIZED DISTRIBUTIONS

Name: William Frederick Caleb Earp

Report: 2018 M2

Period: 02/01/2018 to 02/28/2018

**** Records in Filed Report ****

Seq # Date	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Recipient	Purpose	Amount
		Type	Related Expenditure	Amend

Queued Items for 2018-M2

Account: 70244

STR 079 William Frederick Caleb Earp

Rpt Seq: 3

<i>ProcessDescription</i>	<i>Status</i>	<i>Submitter</i>	<i>Created</i>	<i>LastUpdate</i>
Create Pending Report	Processing Complete	70244	2/21/2018 9:29:50 AM	2/21/2018 9:29:50 AM
Review Pending Report	Processing Complete	70244	3/9/2018 11:44:26 AM	3/9/2018 11:44:26 AM
Recalc Pending Report Total	Processing Complete	70244	3/9/2018 11:45:00 AM	3/9/2018 11:45:00 AM
Recalc Pending Report Total	Processing Complete	70244	3/9/2018 11:46:00 AM	3/9/2018 11:46:00 AM
Review Pending Report	Processing Complete	70244	3/9/2018 11:52:40 AM	3/9/2018 11:52:40 AM
Delete Pending Report	Processing Complete	70244	3/9/2018 11:53:07 AM	3/9/2018 11:53:07 AM
Create Pending Report	Processing Complete	70244	3/9/2018 11:53:21 AM	3/9/2018 11:53:21 AM
Recalc Pending Report Total	Processing Complete	70244	3/13/2018 5:48:32 PM	3/13/2018 5:48:32 PM
Review Pending Report	Processing Complete	70244	3/13/2018 5:48:41 PM	3/13/2018 5:48:41 PM
File Pending Report	Processing Complete	70244	3/13/2018 5:55:57 PM	3/13/2018 5:55:57 PM
Review Filed Report	Processing Complete	70244	3/27/2018 9:10:01 AM	3/27/2018 9:10:01 AM
Recalc Filed Report Totals	Processing Complete	70244	3/29/2018 7:31:07 AM	3/29/2018 7:31:07 AM
Recalc Filed Report Totals	Processing Complete	70244	3/29/2018 7:31:12 AM	3/29/2018 7:31:12 AM
Amend Filed Report	Processing Complete	70244	3/29/2018 7:31:40 AM	3/29/2018 7:31:41 AM
Review Pending Report	Processing Complete	70244	3/29/2018 7:31:56 AM	3/29/2018 7:31:56 AM
Review Pending Report	Processing Complete	70244	4/16/2018 2:53:25 PM	4/16/2018 2:53:25 PM
File Pending Report	Processing Complete	70244	4/16/2018 3:00:43 PM	4/16/2018 3:00:43 PM



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Committee Lookup

Candidate Name: William Frederick Caleb Earp

Account: 70244

Name:

Election:

Acct:

Type:

Date Due	Type	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
4/10/2018	M3	4/16/2018						
3/12/2018	M2	3/13/2018	APP	1	\$39.56		\$39.56	\$0.00
2/12/2018	M1	2/21/2018	CLO	9	\$0.00		\$0.00	\$0.00
1/10/2018	M12	1/8/2018						